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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 10 November 2004 from the Permanent Mission of Algeria to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Algeria to the United Nations presents its compliments to the Chairman of the Committee and has the honour to transmit herewith the initial report of the Algerian Government on the implementation of the above-mentioned resolution (see annex).

04-65736 (E) 040205 070205

Annex to the note verbale dated 10 November 2004 from the Permanent Mission of Algeria to the United Nations addressed to the Chairman of the Committee

People's Democratic Republic of Algeria Ministry of Foreign Affairs

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Report submitted pursuant to Security Council resolution 1540 (2004)

October 2004

Introduction

Right from independence, Algeria opted for a policy of maintaining international peace and security and fostering international cooperation as a factor for the economic and social development of developing countries and for solidarity among peoples. In so doing, Algeria committed itself firmly to a process of general and comprehensive disarmament, which would enable humanity to eliminate forever the risks inherent in weapons of mass destruction.

In keeping with that policy option, Algeria is currently party to virtually all the international legal instruments concerning disarmament and non-proliferation and has been endeavouring not only to fully implement them nationally, but also to promote their universal application. Similarly, having confronted the scourge of terrorism for well over a decade, Algeria has become a party to all international counter-terrorism conventions and has enacted strict legislation on which it has reported in pursuance of the relevant Security Council resolutions.

The present report describes Algeria's current laws and regulations, the bodies established and, generally, those measures already taken or planned by Algeria pursuant to Security Council resolution 1540 (2004).

1 – Paragraph 1

Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

1.1 – Action taken

By becoming a party to virtually all instruments governing global disarmament and guaranteeing the non-proliferation of nuclear, chemical and biological weapons of mass destruction, Algeria is working towards the total elimination of such weapons and for that reason refrains from developing them or providing any form of assistance for that purpose to State or non-State actors.

In order to comply with the requirements of the international conventions to which it has acceded, Algeria drafted and adopted national legislation that prohibits the development, acquisition, manufacture, possession, transfer or use of nuclear, chemical or biological weapons and their means of delivery.

Thus, Algeria's commitment to disarmament and to the non-proliferation of weapons of mass destruction has been steadfast and has been reflected in the ratification of many international instruments, chief among which are:

- Protocol for the Prohibition of the use in War of Asphyxiating, Poisonous, or Other Gases, and of Bacteriological Methods of Warfare, ratified on 27 January 1992;
- Nuclear Non-Proliferation Treaty, ratified on 12 January 1995;
- African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty), ratified on 11 February 1998;
- Comprehensive Nuclear Test Ban Treaty, ratified on 11 July 2003;

– Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, ratified on 22 July 2001;

– Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, ratified on 14 August 1995.

In the area of nuclear security and safety, Algeria has ratified the following conventions:

– Convention on the Physical Protection of Nuclear Material, ratified on 30 May 2003;

– Convention on Early Notification of a Nuclear Accident, ratified on 15 February 2003;

– Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, ratified on 15 February 2003.

1.2 – Future action

The Algerian authorities are in the process of finalizing the existing legislative and regulatory framework. The main elements are listed under various headings of this report.

2 – Paragraph 2

Decides also **that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempt to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them.**

2.1 – Action taken

2.1.1 – Nuclear weapons

(a) Establishment of the Regulatory Body: the Regulatory Body was established in January 2004 under the Atomic Energy Commission (COMENA), which was set up on 1 December 1996 to regulate and coordinate nuclear activities in Algeria. The task of the Regulatory Body is to:

– Update national laws and regulations on notification, authorization and inspection systems;

– Evaluate national infrastructure for nuclear waste safety;

– Contribute to strengthening the enforcement of regulations on nuclear facilities and the management of radioactive material and waste.

Previously, those tasks were assigned to COMENA.

(b) Updating of national regulations: there is a national legislative and regulatory framework on notification, authorization and verification systems which is currently being updated to meet basic international standards. Other measures being taken concern the drafting of administrative regulations and procedures governing the possession, transfer and use of radioactive sources and materials as well as the establishment of a national regulatory framework for the protection of workers and the population against radiation and for the management of radioactive waste.

2.1.2 – Chemical weapons

– Act No. 03-09 of 19 July 2003 suppressing violations of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.

Criminal and administrative penalties, including life imprisonment, are provided for under the Act.

– Presidential Decree No. 97-125 of 26 April 1997 establishing the National Authority on the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction pursuant to article VII of the Convention.

As, an inter-ministerial committee under the authority of the Head of Government, the National Authority is composed of 15 members representing all the ministries involved in the implementation of the Convention. The Authority also bears responsibility for coordinating with the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons (OPCW) and the national authorities of other member States. Establishment of the Authority has strengthened the monitoring of chemical sector activities and thereby helped to prevent any risks of diverting or using chemicals for criminal purposes.

To sum up, the implementation of the Chemical Weapons Convention has set in motion the drafting regulations containing the following elements:

1. The operation of a chemicals production facility listed in schedules 1 and 2 of the annex on chemicals of the Convention or the modification thereof shall be subject to the prior authorization of the Minister of Industry. Facilities for the production of schedule 1 chemicals shall require State authorization before beginning their operations;

2. Activities relating to the chemicals listed in schedules 1,2 and 3 and to facilities manufacturing such chemicals must be declared;

3. The manufacturing facilities mentioned in paragraph 1 above shall be subject to national and international verification.

2.1.3 – Biological weapons

Since Algeria neither possesses nor produces biological weapons, it is committed, pursuant to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, to prohibit any proliferation of such weapons on its territory. In that regard, it undertakes never in any circumstance to develop, produce, stockpile, or otherwise acquire or retain microbial or other biological agents or toxins except

for lawful and peaceful purposes. Algeria also undertakes not to transfer to any recipient whatsoever and not in any way to assist, encourage or induce any State or other entity to manufacture or acquire the above-mentioned agents or toxins.

2.2 – Future action

2.2.1 – Nuclear weapons

Along with the consolidation of the domestic legal framework, plans have been made to strengthen the programme for training the relevant staff.

2.2.2 – Chemical weapons

The following four draft decrees for the implementation of the above-mentioned Act were finalized in June 2004 and will be promulgated soon. They concern:

– Procedures for declaring activities not prohibited by the Convention;

– Procedures for national and international inspections of the facilities and sites covered by the Convention;

– Operating conditions of the chemical production plants listed in schedules 1, 2 and 3 of the annex on chemicals of the Convention;

– Clearance procedures and formalities for the transfer of the chemicals listed in schedules 1 and 3 of the annex on chemicals of the Convention.

2.2.3 – Biological weapons

The lack of a verification mechanism for the Convention on the Prohibition of Biological Weapons delayed somewhat the establishment of a national legal framework immediately after the ratification of the Convention by Algeria. Thus, no specific legislation has been adopted to date to repress offences violating the provisions of the Convention. However, the existing regulation on hazardous products currently governs the monitoring of the use, operation and movement of biological agents.

For the purpose of proposing national measures for the implementation of the Convention and establishing an early-warning and intervention mechanism to address the risks and consequences of biological disasters, a working group has been set up under the authority of the Head of Government to propose measures on how the Convention on the Prohibition of Biological Weapons can be implemented at the national level. Its recommendations will be considered shortly.

3 – Paragraphs 3 (a) and (b)

Decides also **that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:**

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

(b) Develop and maintain appropriate effective physical protection measures;

3.1 – Action taken

Decree No. 93/16 of 4 December 1993 on the secure storage and transport of sensitive material.

3.1.1 – Nuclear weapons

Pursuant to the Nuclear Non Proliferation Treaty, a Comprehensive Safeguards Agreement, which permits nuclear accounting oversight has been in force since 7 January 1997 between Algeria and the International Atomic Energy Agency (IAEA). In that regard, Algeria regularly submits nuclear material accounting reports on its facilities to IAEA and receives programmed inspection visits by IAEA under the Comprehensive Safeguards Agreement.

In addition to such inspections, the Regulatory Body provides for enhanced verification of materials outside the facilities, including the close monitoring of the movement of radioactive sources and material.

All staff responsible for the accounting and control of nuclear material in the various zones have been adequately trained through participation in various courses organized subject by IAEA on that. A national programme for enhancing Algeria's capacity to take over nuclear materials accounting was organized within the country by COMENA in June 2002. Appropriate equipment and suitable software were acquired through IAEA.

No system of accounting for and control of nuclear material can be efficient without the taking of appropriate physical protection measures. For that reason, Algeria became a party to the Convention on the Physical Protection of Nuclear Material on 30 May 2003; the Convention on the Rapid Notification of a Nuclear Accident and the Convention on Assistance in the Case of Nuclear Accident or Radiological Emergency on 15 February 2004. In keeping with those commitments, the Algerian authorities are making efforts to strengthen the relevant domestic regulations.

3.1.2 – Chemical weapons

Decree No. 03/451 of 1 December 2003 defines the security regulations applicable to activities involving hazardous substances and chemicals as well as pressurized gas containers.

3.1.3 – Biological weapons

As mentioned previously, no statutes or regulations have been adopted to date pursuant to the Convention on the Prohibition of Biological Weapons. However, the conclusions of the above-mentioned working group include a recommendation for the adoption of a domestic law that would incorporate the provisions of the Convention.

3.2 – Future action

Several implementing regulations for the above-mentioned Decree No. 03/451 of 1 December 2003 are envisaged.

3.2.1 – Nuclear weapons

Since the general part of the subsidiary arrangements of the Comprehensive Safeguards Agreement entered into force on 23 January 2003, Algeria has been working on finalizing the standard forms in cooperation with the IAEA secretariat. Furthermore, Algeria is about to conclude the Additional Protocol to the Safeguards Agreement for which the Director-General was duly authorized by the IAEA Board of Governors on 14 September 2004.

With regard to nuclear safety and security, the provisions of the Codes of Conduct on the Safety and Security of Radioactive Sources and on the Safety of Research Reactors will also be gradually implemented. Three sets of regulations are being adopted with a view to updating and supplementing the existing regulations. They concern protection from ionizing radiation, the ionization of food products and radioactive waste management.

3.2.2 – Chemical weapons

See the four draft implementing decrees referred to under paragraph 2.

A multisectoral working group has been charged with identifying potential chemical risks with a view to devising appropriate early warning and intervention systems to address the risks of and fall out from chemical disasters. Its responsibility also includes research into the management of chemicals and chemical waste. It will submit its recommendations to the authorities shortly.

3.2.3 – Biological weapons

In addition to the criminal legislation needed to implement the Convention, the working group's recommendations also include the following measures:

- Strict regulation of the production, import, possession, marketing and transfer of biological agents in Algeria;
- Monitoring and granting of access only to duly authorized persons of facilities where biological agents are manufactured and stored;
- Review, together with the environmental services, of procedures for the destruction of outdated biological agents;
- Introduction of controls for verifying the implementation of the prescribed measures.

Other preventive measures are also envisaged, including the following:

- Establishment of national and regional early warning units;
- Strengthening of control measures at laboratories that provide food security services;
- Promotion of specialized reference laboratories;

– Developing recommendations on what to do in the event of biological contamination and dissemination of such recommendations to the bodies concerned.

4 – Paragraph 3 (c)

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

4.1 – Action taken

Owing to its extensive land, sea and air borders, Algeria introduced strict legislation and regulations on border controls very early. Thus, any dangerous nuclear, chemical or biological product imported or exported is subject to such controls. The existing legislative and regulatory framework was strengthened in the course of the 10 years when the country was fighting terrorism. Such legislation and regulations include:

– The Customs Code enacted by Act No. 79-07 of 21 July 1979 amended and supplemented by Act No. 98-10 of 22 August 1998;

– Order No. 76-80 of 23 October 1976 on the Maritime Code;

– Executive Decree No. 90-79 of 27 February 1990 regulating the carriage of hazardous materials;

– Executive Decree No. 02-01 of 6 January 2002 establishing general regulations for the operation and security of ports which lays down in particular conditions for the entry and exit of vessels.

In accordance with the above-mentioned maritime and customs codes, the carriage of goods by sea is subject to four controls: by the coast guard; the relevant departments of the Ministry of Transport; the border police; and the ports authority.

While the strict surveillance of ports and airports, because of detection capabilities, makes it possible to deter any trafficking, including trafficking in dangerous goods, the extent of Algeria's land borders, in contrast, makes them difficult to monitor as strictly as the law requires given the material and human resources that the exercise would entail.

4.2 – Future action

The Customs Code, which is currently being revised, should strengthen the punitive measures incurred for illicit trafficking or non-compliance with the regulations.

5 – Paragraph 3 (d)

Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-

shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations.

The import and export of chemicals and biological products are subject to strict regulations.

Concerning nuclear products, any transfer beyond Algeria's borders under technical cooperation is subject to the relevant provisions of the Comprehensive Safeguards Agreement concluded with IAEA.

6 – Paragraph 8 (a)

Calls upon **all States:**

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

In addition to being a party to virtually all the international disarmament and non-proliferation instruments, Algeria actively contributes within the framework of regional and international forums to the promotion of such instruments aimed at strengthening international peace and security. It participated in all the major international meetings in that connection, such as the review conferences of the Parties to the Treaty on the Non Proliferation of Nuclear Weapons, including that of 1995 and that of 2000 chaired by Algeria, the Chemical Weapons Convention Review Conference held in The Hague in 2002 and the conferences to promote the Comprehensive Nuclear Test Ban Treaty held regularly pursuant to article XIV of that Treaty.

Algeria participated in the drafting of the conventions of the League of Arab States, the African Union and the Organization of the Islamic Conference on terrorism. Furthermore, it continues to call for the drafting of a global United Nations convention against terrorism.

Algeria supports the establishment of nuclear-weapon-free zones in the world as a major step forward towards disarmament. It is working in particular towards the entry into force of the Pelindaba Treaty on the establishment of a nuclear-weapon-free zone in Africa and the establishment of a similar zone in the Middle East.

It continues to call for the resumption of the work of the Conference on Disarmament as the appropriate multilateral framework for the consolidation of international legal instruments governing disarmament. It also continues to support efforts and proposals aimed at drafting global conventions against terrorism, prohibiting weapons of mass destruction and encouraging disarmament.

7 – Paragraph 8 (b)

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

The actions taken or planned under this subparagraph have already been mentioned under the preceding headings.

9 – Paragraph 8 (c)

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

Algeria maintains relations with all the international bodies responsible for the mechanisms for monitoring the implementation of international non-proliferation and disarmament conventions and treaties. In that regard, Algeria maintains regular cooperation with IAEA with respect to safeguards, international cooperation for the peaceful uses of nuclear energy and nuclear safety and security. It participates actively in all the meetings of the IAEA governing bodies, as demonstrated by its active and constant presence in the IAEA bodies.

The importance Algeria attaches to the objectives of IAEA is also reflected in its unwavering support for the technical cooperation programme for the promotion of technical cooperation in the peaceful uses of nuclear energy. In that regard, it is deeply involved in the implementation of the African Regional Cooperative Agreement for Research, Development and Training related to Nuclear Science and Technology (AFRA) developed by IAEA for Africa, by participating in projects, hosting events organized in that connection and making its national expertise available to IAEA.

Algeria also actively contributes, within the framework of OPCW, to the promotion and achievement of the objectives of the Chemical Weapons Convention and OPCW at the regional and international levels. Algeria, which has completed major stages in the implementation of that Convention at the national level, offers its assistance and expertise under a technical assistance programme developed by OPCW to assist African countries in implementing the Convention.

10 – Paragraph 8 (d)

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

10.1 – Action taken

Efforts are being made to inform both industry and the public about the regulations and measures adopted in those areas. For example, seminars and workshops are organized regularly by the Algerian customs department to inform all national stakeholders about the dangers of all the new forms of illicit trafficking in hazardous materials or in products subject to international control.

The National Authority established pursuant to the implementation of the Chemical Weapons Convention maintains regular contacts and relations with professionals of the chemical industry, who are informed about the provisions of the Convention. Such professionals are involved in the drafting of the annual declaration submitted to OPCW and in the regular updating of such declarations.

10.2 – Future action

In the context of national preparations by Algeria to accede to the Additional Protocol, an extensive awareness-raising campaign will be launched to inform all the sectors involved in the implementation of the Protocol about Algeria's obligations under that instrument. The regulations under preparation mentioned in sections* 1 and 2 also fall within the framework of cooperation with industry and the public.

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* *Translator's note*: The original text does not have Roman headings.

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Note verbale dated 15 November 2004 from the Permanent Mission of Uzbekistan to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Uzbekistan to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and, with reference to his note verbale dated 13 August 2004, has the honour to convey the first national report of the Republic of Uzbekistan, in accordance with paragraph 4 of the resolution (see annex).

04-65907 (E) 170205 220205

Annex to the note verbale dated 15 November 2004 from the Permanent Mission of Uzbekistan to the United Nations addressed to the Chairman of the Committee

[Original: Russian]

Report of the Republic of Uzbekistan on steps taken or planned to implement Security Council resolution 1540 (2004)

Given the current international situation, surge in terrorism and threat of the use of weapons of mass destruction (WMD), Uzbekistan welcomed Security Council resolution 1540 (2004). A vigorous defender of peace and security, Uzbekistan endorsed Security Council resolution 1540 (2004), and, in accordance with that resolution, the Uzbek Government has taken several steps to enhance the system of monitoring and control of the transport of material and equipment which could be used to produce weapons of mass destruction and convey them over significant distances.

Uzbekistan is meeting the obligations it has undertaken under bilateral and multilateral arrangements to prevent the illegal transport of strategically important material and equipment through its territory. All of Uzbekistan's activities are therefore conducted within the framework of international agreements and treaties and in accordance with the military doctrine of Uzbekistan.

Using nuclear energy for peaceful purposes, Uzbekistan fully adheres to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which the Government signed in 1993. Uzbekistan became a member of the International Atomic Energy Agency (IAEA) for that purpose, and on 8 October 1994 it signed the Agreement between the Republic of Uzbekistan and the Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons. Nuclear plants and nuclear material mining companies undergo regular inspections by both national monitoring and control agencies and IAEA inspectors, and periodic reports are submitted to IAEA on the presence and output of nuclear material and its transport and transfer to other countries. In accordance with the Act on the licensing of specific types of activities and Decision No. 111 of the Cabinet of Ministers of 6 March 2004, legal persons must obtain a licence to engage in activities involving the use of nuclear and radioactive material, and the Act on radiation safety (article 22) requires the State inspection agency Sanoatkontekhnazorat to monitor the safety of radioactive material, which is an additional means of control over the use, safety and transport of nuclear and radioactive material.

To ensure effective control over the transport and use of dangerous goods, in 2002 the Uzbek Government adopted Acts on external economic activities, on the transit of special goods, on export control, on combating terrorism, on defence and on radiation safety, which the Parliament of Uzbekistan subsequently approved, providing for effective monitoring of the transport, use and storage of dangerous goods within the territory of Uzbekistan and of their transit.

Monitoring agencies pay particular attention to the WWR-CM nuclear reactor of the Institute of Nuclear Physics of the Academy of Sciences as that installation is considered to be sensitive and has a significant quantity of nuclear material subject

to the IAEA Safeguards System. Uzbekistan signed the Convention on the Physical Protection of Nuclear Material in 1998 and the IAEA Code of Conduct on the Safety and Security of Radioactive Sources in January 2004. In accordance with the Convention and Code, Uzbekistan is required to establish a physical-protection system for preventing illegal access to nuclear facilities and material by unauthorized persons. In that connection, the Government of the United States of America has sponsored a programme to establish a physical-protection system at all facilities which have a significant quantity of nuclear and radioactive material or are of interest to terrorists, and funds were provided to establish the physical protection of the WWR-CM reactor and remove spent nuclear fuel, which had been a cause of great concern.

The establishment of physical protection of medical facilities (oncological centres) using a significant amount of radioactive material is now being completed.

To enhance the system of monitoring and control over the activities of the State in the area of the peaceful use of nuclear energy, Uzbekistan also signed the Protocol Additional to the Nuclear Safeguards Agreement, in which it undertook to provide complementary access for the performance of international inspections at sites of interest to IAEA. In accordance with the obligations it has assumed, Uzbekistan has conducted six additional inspections together with IAEA inspectors at oil, gas and chemical works and facilities of the Institute for Nuclear Physics of the Academy of Sciences. Sensitive companies are included in the protection system by units of the Ministry of Internal Affairs, and exercises are carried out regularly at those facilities to ensure that troops from the Ministry are prepared for any unforeseen situation.

Specialized services account for and protect weapons and ammunition kept at bases and depots and monitor their use and storage. Steps have been taken to detect any weapons, ammunition, explosive substances and means of sabotage in hand baggage and luggage during border and customs checks of persons, means of transport and cargo. Particular attention is given to smuggled weapons, ammunition and narcotic substances aimed at undermining the Government and sovereignty of Uzbekistan and to the presence in luggage of materials that foment terrorism, violence and racism.

Uzbekistan is in favour of universalizing all the instruments of the United Nations non-proliferation and disarmament regime. It has therefore ratified not only the Convention on the Physical Protection of Nuclear Material but also a number of other international treaties, agreements and conventions.

Uzbekistan has also signed the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction was signed by Uzbekistan on 24 November 1995 and ratified by the Oliy Majlis on 26 April 1996. The Convention entered into force on 29 April 1997.

Decision No. 287 of the Cabinet of Ministers of 6 June 1997 established the Commission of the Cabinet of Ministers on Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.

Uzbekistan acceded to the Convention on the Marking of Plastic Explosives for the Purpose of Detection on 9 June 1999, and the Convention entered into force for Uzbekistan on 8 August.

The Commission of the Cabinet of Ministers on the Prohibition of Chemical and Biological Weapons is the national agency responsible for implementing the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

In accordance with paragraph 4 (c) of Part VIII of the Verification Annex to the Chemical Weapons Convention, a yearly declaration on scheduled chemicals and on the implementation of the Convention by Uzbekistan is submitted to the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons (OPCW). A similar yearly report is submitted to the United Nations Department for Disarmament Affairs according to the form adopted at the Third Conference of States Parties to the Convention.

In addition, the following laws and regulations concerning chemical weapons and scheduled chemicals have been adopted.

The Criminal Code of Uzbekistan establishes liability:

In part 2 of article 246, for smuggling nuclear, chemical, biological and other types of weapons of mass destruction and material and equipment which could be used in their manufacture. Article 255-1 of the Code also establishes liability for the development, production, stockpiling, acquisition, transfer, storage, unlawful possession and other acts in relation to bacteriological, chemical and other types of weapons of mass destruction;

In article 247, for unlawful acquisition of firearms, ammunition, explosive substances or explosive devices;

In article 251, for unlawful acquisition of virulent or poisonous substances;

In article 252, for unlawful acquisition of radioactive materials;

In article 254, for unlawful handling of radioactive materials;

In article 255, for violation of the rules for the operation of nuclear installations.

A national workshop will be held in Tashkent on 4 and 5 November 2005, together with OPCW, to strengthen the administrative and legal aspects of implementing the Chemical Weapons Convention.

The Commission of the Cabinet of Ministers on the Prohibition of Chemical Weapons has organized several events with OPCW focusing on the prohibition of chemical weapons, including:

1. A regional workshop for the national agencies of Central Asian States Parties to the Chemical Weapons Convention on the practical implementation of the Convention from 10 to 12 September 2003;

2. A training course on developing and strengthening national agencies to suppress chemical weapons and formulating a response system from 27 to 31 October 2003;

3. A planning meeting for Central Asian States within the framework of the Chemical Weapons Convention from 21 to 23 January 2004;

4. A regional training course on managing emergency situations within the framework of the Chemical Weapons Convention from 21 to 26 June 2004.

In accordance with the obligations assumed under the Chemical Weapons Convention, four additional inspections were conducted together with OPCW inspectors at the following chemical plants:

1. The open joint-stock company Navoiazot in Navoi from 16 to 21 July 2001;

2. The Fergana Chemical Factory for Furan Compounds (FCFFC) on 19 February 2003;

3. The open joint-stock company Electrokimesanoat in Chirchik from 23 to 26 February 2003;

4. The open joint-stock company Navoiazot in Navoi from 4 to 7 May 2004.

OPCW inspectors were fully satisfied with the conduct of the inspections and the results, as recorded in their reports.

For the purpose of implementing Security Council resolution 1540 (2004) the Ministry of Health has verified the biological safety procedures and the physical protection of pathogenic organisms stored at Ministry of Health facilities.

Pathogenic organisms are used for scientific purposes at the Centre for the Prevention of Particularly Dangerous and Quarantinable Infectious Diseases, the Virology Research Institute and the Research Institute of Epidemiology, Microbiology and Infectious Diseases.

These facilities fully meet the standards established for facilities engaged in the study and identification of quarantinable and especially dangerous infectious diseases. All laboratories have special permits to work with pathogenic organisms, which are issued by the safety commission of the Ministry of Health for each individual laboratory based on categories of risk.

The heads of the facilities have established rules governing the procedures for access by workers to the laboratories and have appointed persons responsible for receipt, accounting for, storage and issuance of pathogenic materials.

In accordance with the rules, the facilities' safety commissions test workers quarterly on their knowledge of safety procedures for working with quarantinable and particularly dangerous infectious diseases.

Access to laboratories and stored pathogenic materials is strictly limited and is granted in strict compliance with the rules.

Pathogenic material is stored in accordance with established storage standards.

Work is carried out in laboratories in accordance with the Instructions on anti-epidemic procedures for work with material infected or suspected of being infected with group I and II infectious disease pathogens, approved by the Chief Sanitary Inspector of the Republic of Uzbekistan on 29 October 1992.

Laboratory workers working with pathogenic materials are provided with every means necessary for their personal safety, and stocks of preventive and therapeutic drugs and disinfectants have been established.

Uzbekistan attaches particular importance to the implementation of the relevant Security Council resolutions, including resolution 1267 (1999) concerning Al-Qaida and the Taliban and resolution 1373 (2001) on counter-terrorism.

Uzbekistan is cooperating with States Members of the United Nations on a bilateral basis. In particular, it is working with the United States of America within the framework of the Cooperative Threat Reduction Programme and has signed a number of agreements with that country, on the non-proliferation of weapons of mass destruction.

In accordance with the Intergovernmental Agreement between the Republic of Uzbekistan and the United States of America and within the framework of the programmes on cooperative threat reduction and non-proliferation of biological weapons of 5 June and 22 October 2001, American specialists from the Defense Threat Reduction Agency of the United States Department of Defense worked on enhancing the level of physical protection and biological safety at the Centre for the Prevention of Particularly Dangerous and Quarantinable Infectious Diseases and the Virology Research Institute.

The Defense Threat Reduction Agency plans to work on enhancing the level of physical protection and biological safety at the Research Institute of Epidemiology, Microbiology and Infectious Diseases in 2005 and is now doing preparatory research work.

Uzbekistan welcomes the adoption of Security Council resolution 1540 (2004) and will support every possible effort to establish new forms of dialogue on the relevant issues. Furthermore, it is an active participant in the existing forums on those issues.

Uzbekistan attaches great importance to cooperation at the international level in countering the threat of weapons of mass destruction in order to ensure its national security.

One of the ways in which Uzbekistan cooperates internationally is by exchanging information with services of foreign States; this is done within the framework of established agreements and treaties.

Uzbekistan understands the seriousness and importance of the Security Council resolution and, in order for it to implement the provisions of the resolution, there is an acute need for highly qualified specialists. It therefore wishes to take this opportunity to train its national personnel in accordance with international standards (customs agencies, border troops, national guard, and monitoring and control bodies).

Cooperation has been established with foreign partners. It is based on the exchange of information on unlawful activities of the leaders and active members of armed gangs, joint development of regulations and agreements involving counter-terrorism issues and implementation of coordinated operations to suppress a number of dangerous crimes.

R. Saidov
Chief State Inspector
Sanoatkontekhnazorat

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 5 November 2004 from the Permanent Mission of Qatar to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the State of Qatar to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and, in reference to the latter's note concerning operative paragraph 4 of the resolution, which calls upon States to present a first report on its implementation, has the honour to submit herewith the response of the concerned authority of the State of Qatar, as requested (see annex).

04-66828 (E) 040105 040105

Annex to the note verbale dated 5 November 2004 from the Permanent Mission of Qatar to the United Nations addressed to the Chairman of the Committee

[Original: Arabic]

1. The competent authorities of the State of Qatar are pleased to submit the following report of Qatar to the Security Council Committee established pursuant to resolution 1540 (2004):

(a) The proliferation of nuclear, chemical and biological weapons and their means of delivery represents, without a doubt, a threat to international peace and security; hence the importance of the multilateral instruments aimed at eradicating or preventing the spread of such weapons. Qatar has signed, ratified and acceded to those instruments, which have acquired the force of law pursuant to article 43 of the Amended Provisional Constitution of the State of Qatar following their promulgation and publication in the official gazette. Indeed, on 29 January 1989 Qatar issued an instrument of accession to the Treaty on the Non-Proliferation of Nuclear Weapons and on 6 July 1989 it issued Decree No. 38/1989, approving the accession of the State of Qatar to the Treaty, which thereby acquired the force of law. On 24 September 1996 Qatar signed the Comprehensive Nuclear-Test-Ban Treaty; on 30 December 1996 it issued the related instrument of ratification; and on 8 December 1999 it issued Decree No. 54/1999, ratifying the Treaty, which thus acquired the force of law. On 17 March 1975 Qatar issued an instrument of ratification of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and on 4 July 2001 it issued Decree No. 32/2001 on the ratification of the Convention, which thus acquired the force of law. On 13 August 1997 Qatar issued an instrument of ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and on 25 August 2003 it issued Decree No. 58/2003 on the ratification of that Convention, which thus acquired the force of law pursuant to article 24 of the Amended Provisional Constitution;

(b) In addition to the national measures adopted by the State for the prevention of the proliferation of nuclear, chemical and biological weapons, the Council of Ministers, on 4 October 2004, issued, in accordance with the relevant international conventions and Security Council resolution 1540 (2004), its decision No. 26 of 2004 on the establishment of a National Weapons-Ban Committee. The Committee's mandate specifically includes the following tasks: the offering of advice to competent governmental agencies on all questions pertaining to the ban on weapons of all types, including nuclear, biological and traditional weapons; the study of draft international conventions on the weapons ban and the expression of opinions on the suitability of the State's acceding thereto; the determination of the goals contained in international conventions concerning the ban on weapons of all types ratified or acceded to by the State; the proposal of the necessary legislation and measures for the implementation of such international conventions; the review of national legislation on weapons and on illegal trade therein and the proposal of means for the further development and amendment of that legislation; the preparation of reports on the weapons ban which are to be submitted by the State to international bodies; and the carrying out of the necessary consciousness-raising

programmes regarding the purport of the international conventions on the weapons ban;

(c) The National Weapons-Ban Committee is currently studying national legislation on the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction to prohibit natural and artificial persons from developing or producing chemical weapons or obtaining them in any other manner; stockpiling, possessing, acquiring or preserving such weapons or transporting them, either directly or indirectly, to any place; using or attempting to use chemical weapons; carrying out any military preparations for the use of such weapons; or assisting, encouraging or abetting any person whomsoever in any manner whatsoever in carrying out any activity proscribed, under the Convention, for States parties. The draft legislation also provides for the infliction of penalties including imprisonment, fines or both on anyone who commits such forbidden acts, fails to provide the National Weapons-Ban Committee with requested information or intentionally provides incorrect information in connection with the implementation of the Convention.

2. The action taken by Qatar has been and is being taken in accordance with Qatar's international and regional commitments regarding the proliferation of nuclear, chemical and biological weapons and their means of delivery in order to provide a deterrent to such activities and to prevent and combat them with all its powers and executive bodies, in accordance with international law, the Charter of the United Nations and Security Council resolution 1540 (2004), with a view to the preservation of international peace and security.

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Security Council

Distr.: General
10 December 2004

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 5 November 2004 from the Permanent Mission of Ghana to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Ghana to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) of 28 April 2004 and, with reference to the Chairman's letter dated 21 June 2004, has the honour to submit herewith the first national report of Ghana on the implementation of the resolution (see annex).

04-67351 (E) 080305

Annex to the note verbale dated 5 November 2004 from the Permanent Mission of Ghana to the United Nations addressed to the Chairman of the Committee

Republic of Ghana

First report in response to Security Council resolution 1540 (2004)

The Republic of Ghana, in line with its national aspiration of peaceful co-existence and its United Nations Charter obligations, has the honour to submit its first report in response to the requirements of Security Council Resolution 1540 of April 28, 2004.

2. Ghana has taken special note of the Security Council requests calling upon all states:

a. To promote the universal adoption and full implementation ... to prevent the proliferation of nuclear, biological or chemical weapons;

b. To adopt national rules and regulations ... to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

c. To renew and fulfill their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency (IAEA), the organization for the Prohibition of Chemical Weapons (OPCW) and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

d. To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws (paragraph 8); and

e. To promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical or biological weapons, and their means of delivery (paragraph 9).

3. Ghana has resolved to comply with Resolution 1540 adopted under Chapter VII of the UN Charter which obliges all States to refrain from supporting by any means, non-State actors that attempt to acquire, use or transfer nuclear, chemical or biological weapons and their delivery systems, and to establish domestic controls to prevent the proliferation of such weapons and means of delivery, in particular for terrorist purposes, including establishing appropriate controls over related materials and adopting legislative measures in that respect.

4. In connection with the issues listed, Ghana has taken various steps that address the provisions of Resolution 1540. These include the signing and ratification of multilateral agreements with respect to nuclear, chemical and biological weapons.

5. **Nuclear Disarmament**

i. Nuclear Non-Proliferation Treaty (NPT) signed and ratified);

ii. Additional Protocol to the Nuclear Non-Proliferation Treaty (ratified 2004);

iii. Comprehensive Nuclear Test Ban Treaty. (signed, ratification in progress); and

iv. OAU Resolution on Africa Nuclear Weapons Free Zone (under consideration by Cabinet).

6. **Chemical Weapons Disarmament**

i. Chemical Weapons Convention was signed in 1993 and ratified in 1997;

ii. Signed Agreement on Privileges and Immunities with the OPCW.

7. **Biological and Toxins Weapons Disarmament**

Ghana ratified the Convention on the Prohibition of the Development, Production and Stockpiling of Biological and Toxin Weapons and on their Destruction in 1978.

8. **National Legislation Action**

With respect to domestic laws and regulations on nuclear, chemical and biological weapons, the following regulatory actions are currently in place:

9. **Nuclear-Related Legislative Instruments**

i. Ghana Atomic Energy Commission Act 2000 (Act 588).

ii. Radiation Protection Board Legislative Instrument 1993 (LI 1559) to control the use, possession, import, trade in and export of, ionizing radiation sources.

10. **Relevant Radiation Protection and Safety Guidelines which include:**

- Guide No. GRPB-G1: Qualification and Certification of radiation protection personnel;

- Guide No. GRPB-G2: Notification and Authorization by licensing or registration, exemption or exclusion;
- Guide No. GRPB-G3: Dose Limits;
- Guide No. GRPB-G4: Inspection;
- Guide No. GRPBL-G5: Safe Use of X-rays;
- Guide No. GRPB-G6: Safe Transport of Radioactive Material;
- Guide No. GRPB-G7: Enforcement of Regulations;
- Guide No. GRPB-G8: Occupational Radiation Protection; and
- Guide No. GRPB-B9: Medical Exposure.

11. Within Ghana's Nuclear Safety and Security Framework, the Ghana Atomic Energy Commission (GAEC) is the Focal Point for all nuclear matters of Ghana. The Atomic Energy Commission Act, 1963 (Act 204), which initially established the GAEC, has been amended by National Liberation Council Decree 1966 (NLCD 114), National Redemption Council Decree 1974 (NRCD 296) and the Provisional National Defense Council Law 1993 (PNDCL 308). The current Act of Parliament is the Atomic Energy Commission Act 2000 (Act 588) which established the Ghana Atomic Energy Commission which is administered on a day-to-day basis by a Director-General, who is assisted by a Deputy Director-General. GAEC has three (3) functional institutes, namely, National Nuclear Research Institute (NNRI), Radiation Protection Institute (RPI) and Biotechnology and Nuclear Agricultural Research Institute (BNARI).

12. Each of the Institutes has a National Committee/Management Board with wide representation from key stakeholder institutions, including state security organizations serving under the Ministries of Defence and Interior. Ministries of Health, Food and Agriculture, Environment, Science and Technology and Ministry of Justice and Attorney General's Department are also represented. This ensures that a hotline for information dissemination and exchange is effectively coordinated.

13. In spite of these management and control measures on nuclear issues, including nuclear weapons, Ghana is pressing to strengthen its regulatory and enforcement network to prevent any terrorist intrusion. For instance, the Ghana Atomic Energy Commission is in the process of installing a second security gate for its research center that houses the decade old 30-kilowatt Research Reactor (GHARR-1).

14. The Ghana Armed Forces Staff College also offers training in nuclear, biological and chemical weapons disarmament protocols and issues, for which high-level staff of GAEC are resource persons. Additionally, the Radiation Protection Institute has a database on all radiation sources as mandated in the Regulatory Authority Information System (RAIS).

15. The nuclear installations, plants and other radioactive sources of nuclear security significance in Ghana are:

i. 30 kW Miniature Neutron Source reactor (90.2% HEU with total 239u loading<1kg); GAEC;

ii. 1850TBq Co-60gamma Irradiator source – GAEC;

iii. 2X 185 TBq Co-60 gamma radiotherapy sources – Korle-Bu and Komfo Anokye

iv. 2X 185 GBq. Cs-137 gamma brachytherapy sources – Korle-Bu and Komfo Anokye

v. 3.7TGBq Ir-192 gamma Industry Radiography sources – GAEC 740 GBq. Am/Be neutrons sources – GAEC; and

vi. 3.7TBq. Co-60 gamma destination container scanning source – Tema Port

16. In line with emergency response to a nuclear or radiological situation in Ghana, the Radiation Protection Board and the National Disaster Management Organization (NADMO) have just concluded the national emergency response plan. Emergency drills and exercises will be rehearsed on completion of procedural arrangements.

17. A number of training courses and workshops relating to the subject of nuclear security have been organized or are about to be organized by the IAEA in collaboration with some African states in which Ghana has fully participated or will fully participate. These courses include:

i. Workshop on the Physical Protection of Research Reactors, Pretoria, South Africa, July 26-30, 2004.

ii. Training course on the security of radioactive sources, Windhoek, Namibia August 30-September 3, 2004. Ghana was represented by officials from Customs, Excise and Preventive (CEPS) and the Bureau of National Investigations (BNI).

iii. Workshop on measures to monitor, detect, identify, and respond to incidents involving nuclear and radioactive materials at the border, Arusha, Tanzania, November, 22-26, 2004 CEPS and the Police to attend.

iv. Improving Control over Radiation Sources including Orphan Sources, Accra, Ghana. 6-9 December 2004. Ghana will host a Workshop on the Development of National Strategies for Improving Control over Radiation Sources including Orphan Sources – Accra, Ghana, 6-9 December, 2004.

Chemical Weapons Legislation

18. Ghana signed and ratified the Chemical Weapons Convention in 1993 and 1997 respectively. Under Article VII of the Chemical Weapons Convention (CWC), Ghana is obliged to enact a national legislation to give effect to the Convention.

19. In 1997, the international community represented by FAO, ILO, UNEP, WHO etc. began negotiations for national legislation and integrated chemicals management. Ghana subsequently expressed interest in instituting a national legislation covering all regimes of chemicals management. The United Nations Institute of Training and Research (UNITAR) in 1999, selected Ghana as one of six (6) pilot countries to prepare National Chemicals Management Profile. The Ghana National Authority on Chemical Weapons was robed in with the aim of enacting a composite chemicals management law of Ghana.

20. Since the integrated Chemicals Management Act is not yet in place, it has become necessary for the National Authority on Chemical Weapons to pursue the enactment of a separate national legislation that would meet the deadline of November 2005 set by the Organization for the Prohibition of Chemical Weapons (OPCW).

21. A technical committee of legal personnel from the Ministries of Environment and Science, Trade and industry and President's Special Initiatives and Justice and Attorney General's Department, has been constituted and mandated to submit a draft national legislation for the attention and approval of Cabinet and Parliament before November 2005.

22. In spite of the absence of a Chemical Weapons Legislation, the Environmental Protection Agency Act 1994 (Act 490) and the Pesticides Control and Management Act 1996 (Act 528) provide substantial authority for the control and prevention of the proliferation of chemical weapons.

Biological and Toxins Weapons Legislation

23. The Ministry of Environment and Science, which is the focal point for the Chemical Weapons Convention is also the focal institution for the Convention on the Prohibition of Biological and Toxins Weapons.

24. The National Authority on Chemical Weapons with a wide stakeholder representation from the Ministries of Defence, Interior, and Trade, Industry and President's Special Initiatives, and organizations including the Customs Excise and Preventive Service (CEPS), Environmental Protection Agency (EPA), Factories Inspectorate Department (FID), Ghana Standards Board

(GSB), Ghana Atomic Energy Commission (GAEC) and the Universities of Ghana, has initiated some action on biological weapons issues. This is designed to dovetail activities on biological weapons into those of chemical weapons for cost-effectiveness.

THE WAY FORWARD

25. The Republic of Ghana pledges its unflinching support for Resolution 1540, and intends to strengthen its national regulatory framework to prevent the proliferation of nuclear, biological or chemical weapons.

26. The Government of Ghana will intensify its cooperation with other States and multilateral development partners to promote universal adoption and full implementation and strengthening of multilateral treaties to which it is a Party. Ghana will have a national legislation on chemical weapons, and may be biological weapons in place before the November 2005 deadline. Government will intensify public education and awareness promotion among the general populace, especially industry and commerce, whose activities include the management and transformation of chemicals or radiation processes.

27. Awareness raising among the security agencies – the Armed Forces, Police, Customs, Excise and Preventive Service, Immigration Service, Ghana National Fire Service, and the National Disaster Management Organization – will be heightened.

28. These activities will be undertaken through workshops, demonstrations and short drills and information dissemination through the media.

29. It is sincerely envisaged that by the second reporting cycle and subsequent reports on her state of preparedness to comply with Resolution 1540 (2004), Ghana would have strengthened her commitments against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery.

30. Relevant Acts of Parliament and Laws which give effect to the actions against the threat to international peace and security caused by the proliferation of nuclear, chemical weapons and their means of delivery are hereby tended in as evidence.

- Ghana Atomic Energy Commission Act 2000 (Act 588);
- Radiation Protection Board – Legislative Instrument 1993 (LI 1559);
- Guide No. GRPB-G1: Qualification and Certification of radiation protection personnel;
- Guide No. GRPB-G2: Notification and Authorization by licensing or registration, exemption or exclusion;
- Guide No. GRPB-G3: Dose Limits;
- Guide No. GRPB-G4: Inspection;
- Guide No. GRPB-G5: Safe Use of X-rays;

- Guide No. GRPB-G6: Safe Transport of Radioactive Material;
- Guide No. GRPB-G7: Enforcement of Regulations;
- Guide No. GRPB-G8: Occupational Radiation Protection; and
- Guide No. GREPB-G9: Medical Exposure.

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 16 November 2004 from the Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004), on the non-proliferation of nuclear, chemical and biological weapons, and has the honour to transmit to him herewith information from the Vice-Ministry of Public Security of the Venezuelan Ministry of the Interior and Justice on the legislative measures taken by Venezuela with respect to the non-proliferation of weapons of mass destruction (see annex).

05-25772 (E) 100305 110305

Annex to the note verbale dated 16 November 2004 from the Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations addressed to the Chairman of the Committee

Legislative measures taken by Venezuela with respect to the non-proliferation of weapons of mass destruction

National Constitution

Article 324 of the Constitution of the Bolivarian Republic of Venezuela provides that only the State may possess and use war weapons. Any such weapons that are manufactured in, or brought into, the country shall become the property of the Republic, without compensation or a trial. The Venezuelan armed forces shall be responsible for regulating and controlling the manufacture, import, export, storage, transit, registration, monitoring, inspection, possession and use of, and trade in, weapons, ammunition and explosives.

Organic Law on National Security

Article 22 of the Organic Law on National Security provides that war materiel and other weapons, ammunition, explosives and the like shall be regulated and controlled by the Venezuelan army through the Venezuelan armed forces, in accordance with the relevant law and regulations.

Penal Code

Article 275 of the Penal Code establishes that the import, manufacture, carrying, possession, supply or concealment of weapons classified as war weapons under the Weapons and Explosives Act and other legal provisions on the subject shall be punishable by two to five years in prison.

Likewise, article 823 of the reformed Penal Code proposed by the Supreme Court of Justice provides that anyone using genetic engineering to produce chemical or biological weapons or weapons designed to exterminate the human race shall be punished by 6 to 12 years in prison and a fine of 600 to 1,200 tax units.

Anti-terrorism bill

Lastly, it should be stressed that, under the anti-terrorism bill, anyone illegally manufacturing, possessing, transporting or supplying weapons, ammunition, inflammable, biological or chemical substances or explosive devices with a view to carrying out acts of terrorism shall be punished by 10 to 15 years in prison.

Measures taken by Venezuela with respect to the non-proliferation of weapons of mass destruction

The Department of Nuclear Affairs of the Venezuelan Ministry of Energy and Mining attaches great importance to the non-proliferation of weapons of mass destruction. This issue is, moreover, the focal point of actions undertaken in line with the responsibilities assigned to this department by the executive branch and aimed at ensuring the peaceful use of atomic energy in the country.

Venezuela has been working on the subject in conjunction with the International Atomic Energy Agency (IAEA) and, in 2004, two teams of experts visited the country as part of the International Nuclear Security Advisory Service (INSServ) of the Agency's Department of Nuclear Safety and Security. These experts drew up reports containing recommendations for the country, with a view to improving the way in which the regulatory authority is managed. Some of these recommendations are already being implemented, such as the national course on radiological emergency response preparation, which is being offered at the Ministry of Energy and Mining with IAEA support.

Various institutions involved in emergency programmes are participating in this activity, such as civil defence authorities, the metropolitan fire service, the National Guard, the Directorate-General of Intelligence and Protection Services (DISIP), the national oil company, Petróleos de Venezuela S.A. (PDVSA), the Office of the Attorney-General of the Republic and the Ministries of the Interior and Justice, Health and Social Development, Planning and Development, Environment and Natural Resources, and Labour.

In addition to the aforementioned activities, X-ray machines are being installed in the country's main customs points to enable staff at the Integrated National Customs and Tax Administration Service (SENIAT), and the National Guard, to detect any attempts to bring such materiel into the country illegally.

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 11 November 2004 from the Permanent Mission of Guyana to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Guyana to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1540 (2004) and, with reference to the note of the Chairman dated 21 June 2004, has the honour to inform the Committee that Guyana does not manufacture or trade in nuclear, chemical and biological weapons, and that there are no laws at this time that criminalize trafficking in nuclear, chemical and biological weapons.

The Permanent Mission of the Republic of Guyana has the further honour to inform the Committee that the Government of Guyana is in the process of evaluating necessary actions pursuant to Security Council resolution 1540 (2004).

05-21604 (E) 270105

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 18 November 2004 from the Permanent Mission of Bulgaria to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Bulgaria to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004), and has the honour to submit the attached national report of the Republic of Bulgaria on the implementation of the above-mentioned resolution (see annex).

05-21260 (E) 010305

Annex to the note verbale dated 18 November 2004 from the Permanent Mission of Bulgaria to the United Nations addressed to the Chairman of the Committee

Bulgaria's national report on the implementation of Security Council resolution 1540 (2004)

The adoption of resolution 1540 sets a precedent which is to be highly commended. As a result of its adoption the international community is now equipped with an instrument setting basic standards for countering the proliferation of WMDs and their means of delivery, and in particular by non-state actors, **at the global level.** Bulgaria welcomes the provisions of resolution 1540 as it further strengthens the already existing international instruments for WMD non-proliferation and contributes to the improvement of the international export control system.

Legislative Measures

Bulgaria has developed, adopted and implements pieces of legislation related to the prevention of WMD proliferation, the most relevant ones being the ***Law on the Prohibition of the Chemical Weapons and Control over Toxic Chemicals and Their Precursors (adopted in 2000 and amended in 2002); the Law on Control of Foreign Trade Activity in Arms and Dual-Use Goods and Technologies (adopted in 1996 and amended in 2002) and the Regulation for its Implementation (adopted in 2002 and amended in April 2004), Law on Measures against Financing Terrorist Activities(2003), as amended, the Penal Code (1968), as amended, the Law on the Safe Use of Nuclear Energy (2002), as amended, Regulations for Securing the Physical Protection of Nuclear Material (2004);***

Enforcement Measures

The Authorities responsible for the enforcement of export controls are the Interministerial Council on the Military Industrial Complex and the Mobilisation Preparedness of the Country with the Council of Ministers (Interministerial Council) and the Interdepartmental Commission for Export Control and Non-Proliferation of Weapons of Mass Destruction. They are headed by the Minister of Economy and consist of the relevant national institutions. The issuance of licenses to trade in arms and dual-use goods and technologies lies within the responsibilities of the Interministerial Council. The decisions for granting permits for transactions of weapons or dual-use goods and technologies are made by the Interdeparmental Commission. Both authorities take the relevant decisions by consensus and on case-by –case basis.

The Law on Control of Foreign Trade Activity in Arms and Dual-Use Goods and Technologies (1996), as amended, the Law on the Ministry of the Interior (1997), as amended and the Law on Customs(1998), as amended, establish the responsibility of the Ministry of the Interior, the Ministry of the Economy and the Customs Agency to execute strict control and to prevent unlicensed transfer (exports and imports) of dual-use goods and technologies.

International Instruments

Bulgaria is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), to the Chemical Weapons Convention and the Biological Weapons Convention, and to the 12 major anti-terrorist conventions. The above-listed conventions are a part of the domestic legislation in accordance with art. 5, para. 4 of the Constitution of the Republic of Bulgaria which stipulates as follows: ***"Any international instruments which have been ratified by the constitutionally established procedure, promulgated and come into force with respect to the Republic of Bulgaria, shall be considered part of the domestic legislation of the country. They shall supersede any domestic legislation stipulating otherwise."***

Bulgaria has adopted an Additional Protocol to its IAEA Safeguards Agreement which entered into force on October 10, 2000.

Bulgaria is a member of the following export control regimes: the Australia Group, Nuclear Suppliers Group, The Zangger Committee, the Wassenaar Arrangement, Missile Technology Control Regime (since June 1, 2004).

Bulgaria shares the objectives of the Proliferation Security Initiative aimed at countering trafficking in WMD and related materials and has undertaken a procedure to join it.

Technical Assistance

Bulgaria has donated 15,000 USD to the IAEA Nuclear Security Fund which supports programmes aimed at combating nuclear terrorism.

In close cooperation with the Organization for the Prohibition of Chemical Weapons Bulgaria has organized two seminars on assistance and protection against chemical weapons under art. X of the CWC.

Specific comments:

Operative paragraph 1

Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery

Bulgaria does not provide any form of support to non-State actors attempting to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. Any such support is prohibited under the Bulgarian law.

Operative paragraph 2

Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them

Current status

- Treaty on the Non-Proliferation of Nuclear Weapons (ratified on July 10, 1969, in force since May 3, 1970)

-Chemical Weapons Convention (ratified on June 29, 1994, in force since April 29, 1997)

-Biological Weapons Convention (ratified on June 30, 1972, in force since March 26, 1975)

(NB: According to the Bulgarian Constitution all international legally binding instruments which are duly ratified by the Parliament, promulgated in the State Gazette and which have entered into force with respect to the Republic of Bulgaria, are part of the domestic legislation of the country. They have primacy over other acts of national law and supersede any domestic legislation which might be contradictory to their provisions)

- Law on the Prohibition of the Chemical Weapons and Control over Toxic Chemicals and Their Precursors (adopted in 2000, amended in 2002) – provides regulations for the prohibition of development, production, stockpiling and use of chemical weapons as well as the conditions for performing activities with chemical substances and their precursors, which are subject to international control. In case of violations, the law provides for administrative-criminal liability.
- Law on the Control on Explosives, Firearms and Ammunition (adopted in 1998, amended August 2003)
- Law on Measures against Financing Terrorist Activities (2003), as amended - establishes measures to prevent and reveal activities of physical and legal persons, groups and organizations aimed at financing terrorism.
- Penal Code - provide for the incrimination of acts **related to the development, possession, trade in, transport or export of chemical, biological or nuclear weapons.**

Article 337 (*As amended - SG, Nos. 41/1985, 50/1995, 92/2002*)

(1) A person who manufactures, processes, repairs, develops, keeps stockpiles, trades in, transports or exports explosives, firearms, **chemical, biological or nuclear weapons** or ammunition, without having the right to do so by law, or without licence from the respective government body, or does so not in compliance with the licence given to him, shall be punished by deprivation of liberty from one to six years.

(2) The punishment shall be deprivation of liberty from two to eight years where the act has been committed:

1. by an official who has availed himself of his official position;

2. for a second time, in cases other than minor.

(3) Where the object of the crime has been of large amount, the punishment shall be deprivation of liberty from three to ten years.

(4) Where the object of the crime has been of particularly large amount and the case has been particularly grave, the punishment shall be deprivation of liberty from five to fifteen years.

Article 339 (*As amended - SG, Nos. 41/1985, 50/1995, 92/2002*)

(1) A person who by any means whatsoever acquires, holds or gives to another explosives, firearms, **chemical, biological or nuclear weapons** or ammunition, without due permit therefore, shall be punished by deprivation of liberty for up to six years.

(2) Where the explosives, firearms, **chemical, biological or nuclear weapons** or ammunition referred to have been in large quantities, the punishment shall be deprivation of liberty from three to eight years.

(3) A person who appropriates or gives explosives or firearms, **chemical, biological or nuclear weapons** to a person who has no permit for their acquisition, shall be punished by deprivation of liberty for up to six years.

(4) The punishment under the preceding paragraph shall also be imposed on persons who sell or give to other ammunition, where the latter do not have permit to carry the respective weapon.

(5) (*New - SG, Nos. 62/1997, amended 92/2002*) The punishment under paragraph (1) shall also be imposed on a person who retains without permission explosives, firearms, **chemical, biological or nuclear weapons** or ammunition that he may have found.

Article 353 b *(New - SG. No. 62/1997, amended in No. 92/2002)*

A person who in violation of international treaties, to which the Republic of Bulgaria is a State-Party, carries across the state border dangerous waste, **toxic chemical substances, biological agents, toxins and radioactive materials**, shall be punished by deprivation of liberty from one to five years and by a fine of one to three thousand Bulgarian Leva.

Article 415

(1) (*Additional – SG No. 62/1997, amended SG No. 92/2002*) A person who in violation of the provisions of international humanitarian law and the rules of warfare uses or orders the use of **nuclear, chemical, bacteriological, biological or toxin weapons** or other prohibited means of warfare, shall be punished by deprivation of liberty from three to ten years.

(2) (*Additional – SG No. 153/1998*) If from the above especially grave consequences have followed, the punishment shall be deprivation of liberty from ten to twenty years, or a life sentence without the possibility of commutation.

Article 415a (*New – SG No. 92/2002*)

A person who undertakes military preparation for using nuclear, **chemical, bacteriological, biological or toxin weapons** as a method of warfare, shall be punished by deprivation of liberty from one to six years.

Article 349

(1) A person who deliberately introduces or admixes a dangerous to the life or health item in a well, spring, water-main, or other appliance designed for common use, wherefrom or whereby drinking water is drawn, shall be punished by deprivation of liberty from two to eight years.

(2) (*Additional – SG No. 50/1995, amended in SG No. 153/1998*) If from the above a severe bodily injury has been caused, the punishment shall be deprivation of liberty from three to ten years, and if death has been caused, the punishment shall be deprivation of liberty from ten to twenty years, a life sentence, or a life sentence without the possibility of commutation.

(3) (Amended SG No. 41/1985) Taking into account the differences between the above paragraphs, the punishment shall be imposed on any person who disseminates agents of epidemic disease with the intent to infect other people.

Article 354

(1) (*As amended - SG, Nos. 95/1975, 28/1982, 10/1993*) A person who, without due permission, acquires, holds or gives to another a substance with strong effect or a toxic substance, different from narcotic substances placed under a permission regime, shall be punished by deprivation of liberty for up to two years, or by a fine of one hundred to three hundred Bulgarian Leva.

(2) (*As amended - SG, No. 10/1993*) If the crime under paragraph (1) is performed systematically, the punishment shall be deprivation of liberty for up to three years and a fine of one to three hundred Bulgarian Leva.

(1 EURO equals 1.95 Bulgarian leva)

Operative paragraph 3

Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a)Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

The control of dual-use goods and technologies exports is in force since 1992 and covers nuclear, chemical, biological, missile-technology and other sensitive industrial items (goods, technologies and equipment) considered to be of strategic importance.

Nuclear:

- Additional Protocol to the IAEA Safeguards Agreement (in force since October 10, 2000).
- Law on the Safe Use of Atomic Energy (adopted in 2002, amended in August 2004)
- Regulations on Accounting, Storage and Transport of Nuclear Material (1988), as amended
- Regulations for Securing the Physical Protection of Nuclear Material (2004)

Chemical:

In accordance with its obligations stemming from the CWC, Bulgaria has established a national licensing system for the production and export of chemicals included in Schedule 1, Schedule 2, and Schedule 3 of the CWC. All producers and dealers of such materials must be licensed by

the Interministerial Council on the Military Industrial Complex and the Mobilisation Preparedness of the Country with the Council of Ministers (Interministerial Council).

Chemical exports are regulated by an efficient licensing and permit system which applies the following rules:

SCHEDULE 1: Exports of Schedule 1 chemicals, as well as mixtures containing any quantity of a Schedule 1 chemical, require individual licensing and permits for all destinations. Schedule 1 chemicals, even if contained in mixtures, cannot be re-transferred to a third State-Party.

SCHEDULE 2 and 3: Exports of Schedule 2 and 3 chemicals, as well as mixtures containing Schedule 2 and 3 chemicals, are subject to individual licensing and permits for all destinations. Shipments of Schedule 2 and Schedule 3 chemicals, or mixtures containing them, to or from States not party to the Convention are not permitted.

End-Use/End-user certificates (EUC) or International Import Certificates (IIC) are required for all shipments of Scheduled chemicals.

Trade in the Schedule's chemicals is regulated by the Law on Control of Foreign Trade Activity in Arms and Dual-Use Goods and Technologies.

Chemical and biological export controls under the national system are compatible to those established by the EU supplier-states.

Bulgaria has also established a detailed reporting system whereby producers, processors, consumers, importers and exporters of chemicals listed in the Convention's schedules of chemicals provide relevant information to the Interdepartmental Commission on Export Control and Non-Proliferation of WMD with the Minister of Economy, which is then collated and transmitted to the OPCW. The OPCW has undertaken 6 inspections to verify the information provided by the Republic of Bulgaria.

Biological:

The oversight and security of dangerous pathogens and toxins is covered in Bulgaria by a number of decrees and regulations. As dangerous are considered the dual-use biological agents, whose list is part of the export control legislation. The present version of the list is being updated in order to coincide with the latest EU dual-use list.

There is another, much longer list of agents included in the Regulation of the Ministry of Health No. 4 of 14 October 2002 on the protection from the risks, related to the exposure to biological agents. This Regulation is a direct translation of Directive 2000/54/EC of the EU of 18 September 2000.

a. human pathogens

Licensing and inspections system: The Ministry of Health has adopted a system of official Standards determining the conditions and requirements for the laboratories working with any kind of pathogens. Based on these Standards, the Minister of Health issues the authorization for work in the respective field (clinical microbiology, medical parisotology, virology). There are more than 200 microbiological, virological, micological and parasitological laboratories in the public and private sectors in Bulgaria working in the diagnostic or research fields. All of them

are under constant control and are monitored by the Ministry of Health. This activity is organized and performed by a special National Review Body. This body oversees potentially dangerous activities, risk factors, licensing of the laboratories, etc. and has all the information about the work carried out in them. It performs inspections and controls the compliance of the laboratories with the legal requirements – both with view to safety as to the security implications of their activities.

Regulation No.13 of 13 June 1994 (State Gazette No. 52/1994) concerning the rules for the work of the medical laboratories forbids the storage of or work with any pathogens which are not included in the sphere of the laboratory's activities. The activities themselves are determined in accordance with the relevant provisions in the Law on People's Health and approved by the Ministry of Health. Thus the licensing authority approves the activities before their implementation starts.

In all research, diagnostic and university laboratories a very strict control is performed on the activities or the personnel involved. There are strict rules (following national regulation and backed with orders by the Directors of the respective institutions) for the secure storage, disinfection, sterilization and transportation of the agents.

The work in the laboratories is controlled by the Ministry of Health. Several times a year there are inspections from the security services of each laboratory whose work is related to acute infectious diseases. In the system of the Ministry of Defense, all laboratories and structures capable of working with potentially dangerous microorganisms are inspected on a regular basis and without notice by the Ministry of Defense security services.

The export and import of any dangerous pathogens follow the strict provisions of the Law on Control of Foreign Trade Activity in Arms and Dual-Use Goods and Technologies (State Gazette No. 102/1995, as amended in No. 75/2002) and the Regulation on its implementation (State Gazette No. 115/10.12.2002).

The requirements for the personnel of the above laboratories, the duties of their directors (including regular reporting to the control organs), the access and other issues relating to their functioning are established by the National Standards approved by the Minister of Health.

b. plant pathogens

In the field of plant pathogens the control and security are dealt with in the following acts: Law on Plant Protection (State Gazette No. 91/97, amended in No. 90/99), Regulation No. 1 on Phytosanitary Control of 27.05.1998 and Regulation No.1 of the Ministry of Agriculture and Forestry of 04.01.2002 on the conditions for using parasites, plants, plant and other products for research activities and selection (State Gazette No. 8/2002). The latter provides for obligatory permissions for work with dangerous pathogens, which are issued by the Director General of the National Office for Plant Protection. Inspections are carried out by the Regional Office for Plant Protection. Every single activity requires special permission. There are special requirements for transportation.

c. animal pathogens

The work with animal pathogens is regulated by the following documents: **Regulation on the Implementation of the Law on the Veterinary-Medical Activities (State Gazette No.**

55/2000) and Regulation No. 4 for the licensing of the production of veterinary medicines and preparations (State Gazette No. 7/2003). The licenses for laboratory activity in this field are issued by the Minister of agriculture and forestry. The Director General of the National Veterinary-Medical Office issues licenses for the production of veterinary preparations and medicines. Laboratories and production facilities are inspected regularly. The concrete activity of the laboratory is part of the license. For the production facility, a list of the preparations is appended to the license. There are strict registration, control/oversight and storage requirements for working with microorganisms and toxins. Transportation and labeling follow the norms of the OIE. The security of the laboratories and services is further enhanced by orders of the Director General of the National Veterinary-Medical Office.

Transport:

The Law on Automobile Carriage (1999), as amended, stipulates that transport of dangerous goods in Bulgaria is carried out in accordance with the provisions of the European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR) and the Regulations on Carriage of Dangerous Goods by the Ministers of Transportation, the Interior and the Environment. It addresses the requirement for the possession of specialized qualification by drivers, obligatory presence of licensed experts on safety of carriage of dangerous goods. The Law on Road Traffic (1999), as amended, also refers to the provisions of ADR and contains provisions regarding parking and speed limits of vehicles carrying dangerous goods. The Law on Civil Aviation (1972) as amended, the Law on Maritime Space, Internal Waterways and Harbours (2000), as amended, the Law on Railroad Transport (2000), as amended, contain similar provisions on the safety of carriage of dangerous goods.

In accordance with the Law on the Control of Foreign Trade Activity in Arms and Dual - Use Goods and Technologies "Transit transportation of radioactive, explosive, flammable, oxidizing, corrosive, bacteriological (biological), toxic and pathogen possible dual-use goods shall be carried out on the grounds of a transit transport permit issued by the Interdepartmental Commission on Export Control and Non-Proliferation of Weapons of Mass Destruction with the Ministry of Economy, in which the customs terminals, the route and the period for passing shall be determined. The permit shall be issued for each individual case under the terms and order set out in the regulation for application of the Law".

Biological and chemical: consult the answers provided

(b) Develop and maintain appropriate effective physical protection measures;

Nuclear:

Bulgaria is a State-Party to the Convention on the Physical Protection of Nuclear Material. The Convention is a part of the domestic legislation (in accordance with art. 5, para. 4 of the Constitution). The Regulations for Securing the Physical Protection of Nuclear Facilities, Nuclear Material and Radioactive Substances (2004), contain provisions for the conditions and the order to secure the physical protection of nuclear facilities, nuclear material and radioactive substances during their use, storage and transport.

Bulgaria strictly applies the guidelines of Nuclear Suppliers Group. Civil Nuclear sites, as well as nuclear material is strictly protected.

Biological and Chemical: consult the answers provided above.

(c)Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

- Customs Law (adopted in 1998, amended in May 2004) – Customs authorities exercise control on the goods, vehicles and persons on the territory of Bulgaria (art. 2, para. 1 of the Customs Law); conduct customs intelligence and investigation for countering customs and currency violations (art. 15, para. 2 (5) of the Customs Law); perform checks on goods, vehicles and persons at the border and on the whole territory of the country (art. 16, para. 1 (1) of the Customs Law); to conduct searches and to confiscate contraband goods and related documentation (art. 16, para 1(10),

- Law on Control of Foreign Trade Activity in Arms and Dual-Use Goods and Technologies (adopted in 1996, amended in 2002) – Under this Law the Customs Agency is authorized to require that additional information be provided from the persons engaged in foreign trade/brokering activities in arms and dual-use goods and technologies; to request information necessary for exercising control from foreign authorized institutions.

Order 51 of the Director of the Customs Agency (issued in 2003) a limited number of specialized customs offices are appointed for handling imports, exports and transit in arms and dual-use goods and technologies.

(d)Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations

Law on Control of Foreign Trade Activity in Arms and Dual-Use Goods and Technologies (adopted in 1996, amended in 2002) and the Regulation for its Implementation – provide regulation for the procedures for the execution of international transactions with dual-use goods and technologies. The Law provides for issuance of licenses and permits to physical and legal persons for execution of foreign trade activities in arms and dual-use goods and technologies. It also imposes bans and restrictions towards countries and organizations under UN, EU and OSCE embargoes. The amendments and complements adopted in 2002 to the above-mentioned Law include **improved control over brokering activities.** Any such activities, carried out on and from the territory of Bulgaria, are treated as trade activities falling under relevant legislative provisions. This also implies introduction of a licensing regime for brokering activities and establishment of a brokers' register.

Bulgaria regularly updates its control lists of arms and dual-use goods and technologies which incorporate the items listed in the control lists of the export control regimes.

Operative Paragraph 5

Decides that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons

Bulgaria is a State-Party to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention. It actively cooperates with the IAEA and the OPCW.

Operative Paragraph 6

Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists.

Bulgaria, as a member of the Australia Group, Missile Technology Control Regime, the Nuclear Suppliers' Group, the Wassenaar Arrangement and the Zangger Committee, recognizes the importance of the development of such control lists and strictly adheres to the guidelines and control lists of those regimes.

Operative Paragraph 7

Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions

Bulgaria recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and when in a position to do so, will consider specific requests to provide assistance as appropriate.

Operative Paragraph 8

Calls upon all States:

(a)To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

Bulgaria supports the EU Common Position adopted in November 2003 on the universalization and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and their means of delivery.

(b)To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

In accordance with art. 5 para. 4 of the Constitution of the Republic of Bulgaria any international instruments which have been ratified by the constitutionally established procedure, promulgated and come into force with respect to the Republic of Bulgaria, shall be considered part of the domestic legislation of the country. They shall supersede any domestic legislation stipulating otherwise. Bulgaria has also adopted appropriate legislation for the implementation and compliance with commitments under key multilateral non-proliferation treaties.

(c)To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

Bulgaria is committed to active multilateral cooperation within the framework of IAEA, OPCW and the BWC, hosting training activities and regional seminars.

(d)To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

The Bulgarian government consistently seeks ways to improve the dialog with industries through organizing seminars and workshops. The Ministry of Economy is hosting an Internet site with relevant information.

Operative Paragraph 9

Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery

It has been Bulgaria's policy to promote dialogue and co-operation on non-proliferation in a range of fora so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery.

Operative Paragraph 10

Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

As cooperation is essential for preventing illicit trafficking in nuclear, chemical or biological weapons, and their means of delivery, Bulgaria cooperates on bilateral basis with a range of partners.

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Security Council

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Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 22 November 2004 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the Chairman of the Committee

I have the honour to enclose herewith the report of Bosnia and Herzegovina pursuant to Security Council resolution 1540 (2004) (see annex).

I would like to express my gratitude for the continuing cooperation between Bosnia and Herzegovina and the Security Council Committee established pursuant to resolution 1540 (2004).

(*Signed*) Dr. Mirza Kusljugić
Ambassador
Permanent Representative of Bosnia and Herzegovina
to the United Nations

04-65522 (E) 180105

Annex to the letter dated 22 November 2004 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the Chairman of the Committee

Report by Bosnia and Herzegovina pursuant to Security Council resolution 1540 (2004)

Recognizing the threat posed by nuclear, chemical and biological weapons to the international peace and security, particularly if in possession of terrorists, Bosnia and Herzegovina has undertaken important steps towards the establishment of full control and prevention of proliferation of weapons of mass destruction, as well as of their means of delivery.

Bosnia and Herzegovina has, above all, directed its efforts towards the establishment of the appropriate legal framework, that shall enable efficient fight against all kinds of terrorism, including the one that involves possibility of using of weapons of mass destruction.

Bosnia and Herzegovina believes that the adequate answer to the threat posed by the weapons of mass destruction proliferation, can only be provided through effective multilateral activities and by establishing adequate interstate cooperation in this field.

Operational Paragraph 1

Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

Bosnia and Herzegovina has never provided any form of support to non-State actors that intend to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

Operational Paragraph 2

Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them.

Bosnia and Herzegovina is a member of:

1. Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction

   Bosnia and Herzegovina has ratified Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, on November 29, 1996, (Official Gazette of Republic of BiH, special edition International Treaties number 7/96).

2. Convention on the Prohibition of Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

Bosnia and Herzegovina took over this Convention through the process of succession (Official Gazette of SFRY – International Treaties, number 43/74).

3. Treaty on the Non-proliferation of Nuclear Weapons

Bosnia and Herzegovina took over this Treaty through the process of succession (Official Gazette of SFRY – International Treaties, number 10/70).

In accordance with the obligation defined in the Article VII of the Convention on Prohibition of Chemical Weapons, State Coordination Body for CWC Implementation (National Authority) has been established. This Body undertake all necessary steps aiming towards more effective fulfillment of Convention obligations.

In close cooperation with the Technical Secretariat of Organization for Prohibition of Chemical Weapons, and on the basis of Conclusion by the BiH Council of Ministers, Inter-ministerial Expert Group, led by the Head of the State Coordination Body, has prepared the *Draft Law on Implementation of the Convention on Prohibition of Chemical Weapons*. It is expected for this law to be soon forwarded for procedure, and adopted by BiH Parliamentary Assembly, by the end of this year.

Draft Law covers all fields regulated by the Convention. Overall control in the fields of production, use, procesing, import, export, transfer, etc. of toxic chemicals shall be established through its implementation. Draft Law clearly defines prohibitions stipulated by the Convention, and its violation is considered as criminal offence, sanctioned with appropriate penalties within the Criminal Code of BiH.

Draft Law, also, in details regulates the areas of allowed activities (those that are not explicitly prohibited by the Convention). It also defines the authorities and tasks of respective institutions in BiH, regulates procedures for collection of needed information, defines conditions for issuance of licenses, specifies obligation to submit the declarations to the OPCW, as well as obligations and ways of protection of confidential data and information, establishes procedures and responsibilities in terms of performance of internal and acceptance of international inspections, etc.

Appropriate Amendments on Criminal Code of BiH (Article 193.a) have already been adopted. According to these amendments, production, development, acquiring, stockpiling, stckpiling, selling or buying, mediating in selling or buying, or any other direct or indirect transfer to the others, possession or transfer of chemical or biological weapons as well as of othe. weapons prohibited by the rules of the International Law, are defined as criminal offences, for which imprisonment punishment are predicted (in term of one year to a long term imprisonment, depending on the consequences caused).

Criminal Code of BiH also incriminates illicit procurement and disposal of nuclear material (Article 194). According to the provisions of the Criminal Code of BiH, whoever, without authorization, uses, transports, stores, alters, disposes of or disperses, or whoever by use of force or by threatening an instant attack upon another

person's life or limb, or in any other illegal way takes away nuclear material with the aim to unlawfully arrogate it, or, with the same aim unlawfully arrogates nuclear material which has been entrusted to him, or with the same aim obtains nuclear material by deceiving someone through false representation or suppression of facts, or by keeping someone mistaken, or by use of force or threat or by any other form of intimidation, demands to receive the nuclear material, or threatens to use it either in order to cause death or serious injury to any person or substantial property damage, or gives such material to another person, or enables another person to get in possession of it, shall be punished by imprisonment for a term between one and ten years.

Criminal offences stipulated by the Criminal Code of BiH have extraterritorial application, what means that these are applicable on the citizens of BiH even in the case if the criminal offence is perpetrated outside of BiH territory (Article 12, paragraph 1, point c of Criminal Code of BiH).

Criminal Code also regulates punishments for legal persons (Chapter XIV, Article 122 to 144 of the Criminal Code of BiH), inducement and helping in the perpetration of criminal offence (Article 30 and 31 of the Criminal Cod of BiH), as well as preparation of the criminal offence (Article 248 of the Criminal Code of BiH), and attempt of criminal offence (Article 26 of the Criminal Code of BiH).

Also, the criminal offence so far referred to as "Illicit Trafficking in Arms and Military Equipment" (Article 193 of the Criminal Code of BiH) has been amended and now it includes the dual use items. The special regime over those items is also being regulated by the amendments on the Law on Export and Import of Weapons and Military Equipment. These changes and amendments establish the regime of full control over the products of dual use, and thus prevent its abuse, or use for illicit purposes.

Competent authorities of BiH have prepared the Draft Law on Protection from Ionized Radiation and on Radiation Safety, through which the status of the regulatory agency at BiH level will be regulated.

Operational Paragraph 3

Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport,

(b) Develop and maintain appropriate effective physical protection measures,

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law,

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations.

- **Measures to secure production, use, storage or transport, and physical protection measures**

Draft Law on Implementation of the Convention on the Prohibition of Chemical Weapons establishes a complete control over production, use, processing, storage etc., of toxic chemicals and precursors, controlled by the Convention.
It regulates that the Ministry of Foreign Trade and Economic Relations issues licenses for all controled activities, on the basis of previously given concent by the Ministry of Security, Ministry of Civil Affairs and Ministry of Defense of BiH. It precisely defines the conditions that are to be falfilled in order for license to be issued for activities not prohibited by the Convention. In order to establish complete control, it is foreseen for the spetial inspection to be established, with defined authorities in the case of discovering irregularities or violation of regulations of the Law or Convention. Draft Law shall also provide for the obligations of all bearers of the activities that include toxic chemicals, to undertake protective measures, that shall prevent possible treatment of toxic chemicals which would not be in accordance with the Law or Convention.

Bosnia and Herzegovina applies the Basic Safety Standards of the International Agency for Atomic Energy (IAEA).
The Law on Transport of Radioactive Materials is in force. This law was taken over from former SFRY through the process of succession. Draft Law on Transport of Dangerous Materials is in preparation procedure.

- **Border Control**

Two services that performed the control over transit of persons and means of transport, State Border Service and custom services of the entities, have signed the Agreement, which in more details regulates the field of border control, and provides for the possibility of joint action in fight against smugeling and illicit traffic of dangerous materials.
Integration of custom services on the state level is in process (till now three customs services were operating: in Federation of BiH, Republika Srpska, and Brcko District), through the establishment of new Indirect Taxation Administrative Office, that should contribute to the better quality of control at BiH border crossings.

The preparations for construction of the International Border Crossing Izacic are completed under the auspices of the International Agency for Atomic Energy (IAEA) This border crosting, shall, among other things, be equipped for control of vehicles that transport radioactive material.

Instructions of State Border Service, that regulate control of transit over the state border, stipulates the obligation that all subjects, who are involved in traffic of arms, military equipment and products (that are not covered by the regime of free import/export), have to posses license issued by the Ministry of Foreign Trade and Economic Relations, when transporting products over the state border in accordance with the Decision on classification of products as forms of import and export (Official Gazette BiH number 22/98). Products that are exported/imported on the basis of licenses are labelled by "D" card. Products are classified according to the tariff labels from the Law on Customs Taxes of BiH.

BiH has signed the agreements on international cooperation in border control with the neighboring countries, which shall improve the control in this area. Also, the implementation of the project of joint border crossings between BiH and Croatia is in procedure.

Aiming at efficient fight against all kinds of smuggling, several agreements on customs cooperation have been concluded, which regulate the ways of providing assistance, mutual exchange of data, use of data provided, as well as the possibility of participation in joint investigations on customs offences. Of particular importance are the agreements on cooperation and mutual assistance in customs issues, concluded with the neighboring countries – Republic of Croatia and Federal Republic of Yugoslavia.

The set form of control, so called "Laufzetel", for freight motor vehicles, which is filled in by State Border Service, and customs authorities, has been in use at BiH border crossings since 2002.

The part of State Border Service are also the Specialized Units, which perform the operations at certain parts of state border, in accordance with the intelligence information and assessment of security situation. In this way, state border in the areas other that border crossings are successfully protected and controlled, as well as the border area of 10 km within the territory of BiH.

Although the "Program of BiH Civil Aviation Safety" was adopted this year, BiH State Border Service previously started applying the international standards, and acting in accordance with the provisions of appropriate conventions that relate to control of air transport of dangerous substances.

At the border crossings, dangerous substances, arms and ammunition are systematically recorded, and on the basis of these records, competent authorities prepare detailed analysis and make appropriate security assessment.

- **Export/Import/Transit**

  Draft Law on the Implementation of the Convention on the Prohibition of Chemical Weapons regulates export, import and transit of toxic chemicals, through issuing licenses by the Ministry of Foreign Trade and Economic Relations with prior consent of the Ministry of Security, Ministry of Civil Affairs, Ministry of Foreign Affairs and BiH Ministry of Defense.

In addition to this Draft Law, import/export and transit of toxic chemicals has been partly regulated by the Law on Import and Export of Weapons and Military Equipment ("Official Gazette of BiH", No.5/03 of 07 March 2003). This law puts registration of legal and physical persons and issuing licenses for import and export of weapons and military equipment under the authority of the Ministry of Foreign Trade and Economic Relations. Licenses shall be issued with prior consent of the ministries of foreign affairs, security and defense.
Common list of military equipment contained in the European Union Code of Conduct on Arms Export makes an integral part of this law ("Official Gazette of BiH", No.9/03 of 10 April 2003). This list also includes import/export and transfer of a part of chemicals contained in the CWC.

Establishment of the "TRACKER" system aiming at better coordination of activities relating to issuing licenses for import and export of weapons and military equipment is in a progress. This system will connect the Ministry of Foreign Trade and Economic Relations with all the ministries involved in process of issuing the licenses for import/export and transit (Ministry of Foreign Affairs, Ministry of Security and BiH Ministry of Defense).
End users have been regularly controlled through data base of risky customers, called "The Risk Report". "The Risk Report" data base, made by nongovernmental organization named "Wisconsin Project", represents the source of unclassified information on worldwide companies, suspected of producing weapons for mass destruction.

Bosnia and Herzegovina Council of Ministers has made a Decision on the Acceptance of the European Union Code of Conduct on Arms Export ("Official Gazette of BiH", No.40/02 of 27 December 2002). This way Bosnia and Herzegovina is obligated to respect the European Union rules relating to the weapons export control. Ministry of Foreign Trade and Economic Relations has been responsible for implementation of this decision.

Ministry of Foreign Trade and Economic Relations is obligated to periodically report to the Parliamentary Assembly of Bosnia and Herzegovina, Stabilization Forces (SFOR) and the Office of the High Representative (OHR) in Bosnia and Herzegovina, on all issued licenses for export and import of weapons and military equipment.

Law on Weapons and Military Equipment Production ("Official Gazette of BiH", No.9/04 of 29 March 2004) provides for the Ministry of Foreign Trade and Economic Relations to issue licenses for production and maintenance of weapons and military equipment and to keep the Central Register of legal persons whom the licenses for production and maintenance of weapons and military equipment have been issued to. Inspection supervision of the Law implementation has been regulated as well.

On the basis of this Law, Minister of Foreign Trade has made the following> Instruction on the implementation of permanent control and reporting on production and maintenance of weapons and military equipment ("Official Gazette of BiH", No.28/04 of 23 June 2004); Instruction on the procedure of

issuing the licenses to legal persons regarding production and maintenance of weapons and military equipment and methods of updating the Central Register ("Official Gazette of BiH", No.36/04 of 03 August 2004); and Instruction on inspection supervision in production and maintenance of weapons and military equipment ("Official Gazette of BiH", No.28/04 of 23 June 2004).

Amandmanes to the Law on Import and Export of Weapons and Military Equipment is in the parliamentary procedure still. New regulations will extend implementation of the existing Law on Import and Export to the dual use goods.

Operational paragraphs 4 and 5

Operational paragraph 4 relates to the decision on establishment of the Security Council Committee consisting of all members of the Council, which will report to the Security Council on the implementation of 1540 Resolution.

Through paragraph 5, the Security Council decides that none of the obligations set forth in 1540 Resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency (IAEA) or the Organization for the Prohibition of Chemical Weapons (OPCW);

None of these paragraphs contains provisions that require reporting by the Member States.

Operational paragraph 6

Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists.

Bosnia and Herzegovina has accepted the European Union Code of Conduct on Arms Export ("Official Gazeta of BiH", No.40/02 of 27 December 2002). This way Bosnia and Herzegovina is obligated to respect the European Union rules relating to the weapons export control. Regularly updated Common list of military equipment contained in the European Union Code of Conduct on Arms Export makes an integral part of this law ("Official Gazette of BiH", No.9/03 of 10 April 2003).

Operational paragraph 7

Operational paragraph 7 recognizes that some States, lacking the legal and regulatory infrastructure, implementation experience and/or resources, may require assistance in implementing the provisions of this resolution and invites States in a position to do so to offer assistance as appropriate in response to specific requests.

This paragraph does not require reporting by the Member States.

Operational paragraph 5

Calls upon all States:

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral nonproliferation treaties;

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organisation for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

a) Bosnia and Herzegovina provides full support and promotes universal joining the international documents which stipulate issues of non-proliferation of the weapons for mass destruction and full implementation of obligations originating from these documents.

b) Bosnia and Herzegovina has amended its Criminal Code to define criminal offences coming from violation of prohibitions contained in international documents regulating field of non-proliferation of weapons for mass destruction.

BiH legal regulations have been set forth in details in the part of this report related to the operational paragraph 2.

c) BiH cooperates actively with and within the Organization for the Prohibition of Chemical Weapons, International Agency for Atomic Energy and the Biological and Toxin Weapons Convention. BiH is committed to take all necessary steps concerning prevention of proliferation of weapons for mass destruction and promotion of international cooperation.

Organization for the Prohibition of Chemical Weapons (OPCW)

BiH takes part in all conferences and meetings of national authorities (general and regional) of the States Parties to the Convention on the Prohibition of Chemical Weapons.

Currently, BiH is chairing the East-European Regional Group within the OPCW. BiH is one of the Vice-presidents of the approaching Conference of the Member States, which will be held in November-December 2004.

BiH has been elected for the member of OPCW Executive Council for the period 2006-2008.

State Coordination Body for implementation of the Convention on the Prohibition of Chemical Weapons very actively cooperates with the OPCW Secretariat Technical.

International Agency for Atomic Energy

BiH takes part in the meetings held in organization of the International Agency for Atomic Energy.

Due to very specific state structure, based on Constitution, defined by the Dayton Peace Agreement, there is no institution at the state level that could have taken responsibility regarding protection from radiation. Such institutions exist at the entity levels: in Federation of BiH –Federal Administration Office for Protection from Radiation and for Radiation Safety with the Federal Ministry of Health; in Republika Srpska – Department for Protection from Radiation with the RS Ministry of Health. Taking into account that implementation of international standards requires establishment of appropriate bodies at the state level, steps have been taken towards fulfillment of legal assumptions for establishment of Regulatory Agency/body for protection from radiation. This agency/body should be responsible for cooperation with the IAEA.

Bacteriological/Biological and Toxin Weapons Convention

Bosnia and Herzegovina regularly takes part in the meetings of member states and experts within the Bacteriological/Biological and Toxin Weapons Convention.

d) All international documents that Bosnia and Herzegovina ratified as well as all the laws adopted by BiH Parliamentary Assembly have been published in the Official Gazette of BiH (accessible by Internet).

State Coordination Body for the Implementation of the Convention on the Prohibition of Chemical Weapons has informed in writing all enterprises/companies in BiH on their obligations to implement provisions of the Convention on the Prohibition of Chemical Weapons.

Aiming at getting better information on the provisions and obligations coming from the Convention, State Coordination Body, together with the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons, in April this year, organised a course for representatives of all relevant institutions of BiH, entities and Brcko District and for representatives of BiH industry

After the Law on Implementation of the Convention comes into force, State Coordination Body plans to create a special web-site which will contain all necessary information related to this Convention.

Operational paragraph 9

Calls upon all States to promote dialogue and cooperation on nonproliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery.

Bosnia and Herzegovina continues to promote dialog on the issues of non-proliferation of the weapons for mass destruction in all international forums in which it takes part. Bosnia and Herzegovina is committed to make maximum efforts in promoting cooperation in this field.

Operational paragraph 10

Calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials.

Bosnia and Herzegovina has established efficient control of its borders. Significant efforts have been put into implementation of the law and promotion of international cooperation aiming at detection, suppression and prevention of illicit trafficking in weapons for mass destruction, their means of delivery and related materials.

Bosnia and Herzegovina supports the Proliferation Security Initiative (PSI) aimed at prevention of proliferation of nuclear, chemical and biological/bacteriological and toxin weapons.

Detailed information on the measures relating to control of BiH borders and the signed bilateral agreements on promoting cooperation and providing support to customs services has been contained in the part of this Report on operational paragraph 3.

Operational paragraphs 11 and 12

Operational paragraphs 11 and 12 deal with the intention of the Security Council to monitor implementation of 1540 resolution and, to this end, to make appropriate decisions.
These paragraphs do not require report.

United Nations S/AC.44/2004/(02)/81

Security Council

Distr.: General
3 December 2004

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 22 November 2004 from the Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Chairman of the Committee

I have the honour to enclose herewith the report of the Republic of Macedonia to the Security Council Committee established pursuant to operative paragraph 4 of Security Council resolution 1540 (2004) (see annex).

(*Signed*) Igor Dzundev
Ambassador
Permanent Representative

04-65532 (E) 170105

Annex to the letter dated 22 November 2004 from the Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Chairman of the Committee

First report of the Republic of Macedonia to the Security Council Committee established pursuant to operative paragraph 4 of Security Council resolution 1540 (2004)

The Republic of Macedonia welcomed and supported the unanimous adoption of the SC resolution 1540 (2004) of 28 April 2004, which complements and strengthens the existing international instruments and regimes against proliferation of nuclear, chemical and biological weapons and in particular, improves the capacity of the international community to fight illicit trafficking in nuclear, chemical, or biological weapons and their means of delivery and related materials. Macedonia shares the deep concern that one of the most serious threats to the international peace and security nowadays is the risk that non-State actors may acquire, develop, traffic in or use nuclear, chemical and biological weapons and their means of delivery for terrorist purposes.

Immediately after the adoption of the resolution 1540 (2004), all the relevant authorities in the Republic of Macedonia have been duly informed of the resolution and of the need to fully comply with the provisions contained therein, including the requirement to report to the Security Council Committee established pursuant to the resolution 1540 (2004) on steps taken or intended to be taken to implement the resolution.

With regard to operative paragraph 1 of the resolution:

The Republic of Macedonia does not provide any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their delivery and makes efforts on national, sub-regional, regional and international level to prevent any such attempts. The country cooperates with the SC Committees established under SC resolution 1267 (1999) and SC resolution 1373 (2001) with regard to the non-State actors identified in the lists and updates maintained by the 1267 Committee.

With regard to operative paragraphs 2 and 3 of the resolution:

The Government of the Republic of Macedonia is reviewing and assessing its capacity, domestic legislation and practices to enforce effective measures to establish domestic control to prevent the proliferation of WMD including in cases where non-State actors are involved. Inter-ministerial consultations on this matter are in progress, with a view to introducing additional measures, where necessary.

The Republic of Macedonia has undertaken binding legal obligations under the following main international instruments against proliferation of WMD to which is a State party:

- Comprehensive Test Ban Treaty (CTBT);
- Treaty on Non-Proliferation of Nuclear Weapons (NPT);
- Convention on Prohibition of Development, Manufacturing, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC);
- Convention on Prohibition of Development, Manufacturing and Stockpiling of Bacteriological (Biological) Weapons and on their Destruction (BTWC);

Macedonia is a Subscribing State to the Hague Code of Conduct against Ballistic Missile Proliferation (HCOC).

On 20 June 2003, the Government of the Republic of Macedonia declared its unilateral adherence to the Equipment, Software and Technology Annex and Guidelines for Sensitive Missile Relevant Transfers of the Missile Technology Control Regime (MTCR). A new legislation on non-proliferation of WMD and on effective control of dual use technology is in process of being developed, in accordance with the EU control list (Council regulation no. 1334/2000 and amending regulations no. 149/2003, 885/2004 and 1504/2004). The Ministry of Economy has prepared a draft-Law on Export Control of Dual-Use Goods and Technology, soon to enter into governmental and parliamentary procedure for adoption.

In May 2004 the Government expressed and notified its political commitment to the Director-General of the IAEA to work toward following the guidance contained in the IAEA Code of Conduct on the Safety and Security of Radioactive Sources. Macedonia is a participant in the IAEA Model Project to Upgrade National Radiation Protection Infrastructures.

In 2002, the Republic of Macedonia concluded Safeguard Agreement with the IAEA. By the end of 2004 the Ministry of Foreign Affairs will initiate a procedure for signing of IAEA Additional Protocol to Safeguard Agreement aimed at increased access and inspections rights of the IAEA to eventual suspected nuclear sites (planned to be finalized in the second part of 2005).

The country is a party to the Vienna Convention on Civil Liability for Nuclear Damage, Convention on Early Notification of a Nuclear Accidents, and Convention on Assistance in Case of a Nuclear Accident or Radiological Emergency.

The Government has expressed political support for the new Proliferation Security Initiative (PSI), and all competent authorities are currently evaluating the present institutional framework and capacities and are identifying potential problems and weaknesses for implementation of PSI Interdiction Principles.

The Republic of Macedonia is a party to 10 out of 12 UN sectorial conventions on fight against terrorism. In that respect, as a party to the UN Convention on Physical Protection of Nuclear Materials, the country has accepted, inter alia, the obligation to effectively protect nuclear materials used, stockpiled or transported for peaceful purposes, and to prevent import, export or transit provided there are no guarantees that such nuclear materials are protected in accordance with the levels specified in Annex 1 of the Convention. The country's obligations under the UN Convention for the Suppression of the Financing of Terrorism (ratified on 16 June

2004) are implemented through the newly adopted Law on Prevention of Money Laundering and other Proceeds from Crime" ("Official Gazette of the Republic of Macedonia" No. 46/04")

The following domestic legislation and other regulations contain provisions relevant for fulfilling international obligations of the Republic of Macedonia with regard to measures to control nuclear materials:

- Law on Protection of Ionizing Emission and Radiation Safety ("Official Gazette of the Republic of Macedonia" No. 48/02");
- Trade Law ("Official Gazette of the Republic of Macedonia" No. 16/04");
- Law on Transportation of Dangerous Materials ("Official Gazette of the SFRY" No. 27/90 and 45/90" and "Official Gazette of the Republic of Macedonia" No. 12/93")
- Rules of Conduct for Transportation of Dangerous Materials in Road Traffic ("Official Gazette of the Republic of Macedonia" No. 12/93 and 31/93")
- Customs Law ("Official Gazette of the Republic of Macedonia" No.46/04") and
- Decision on Sorting of Goods on Forms of Export and Import ("Official Gazette of the Republic of Macedonia" No. 58/04")

Aiming to prevent development, acquiring, manufacturing and possession, transportation, transfer and use of chemical, biological and nuclear weapons, in March 2004 the National Assembly adopted amendments to the Criminal Code (Official Gazette of the Republic of Macedonia No. 19/04) thus incriminating (Article 407-b) "misuse of chemical or biological weapons" as a crime against humanity and international law. In that connection, the abovementioned new Customs Law in accordance with the newly amended Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia" No. 74/04") expands the competences of the customs officers in conducting special investigative measures in suspected criminal cases involving exporting/importing goods.

According to the abovementioned new Trade Law (Article 34) licenses for export/import of weapons and military equipment (including dual-use goods and technology) are issued by the Ministry of Defense or Ministry of Interior (the latter issues licenses only for light weapons and explosives for commercial purposes). The Ministry of Economy keeps and updates a Register of companies licensed to trade (including export/import) in weapons and military equipment.

Progress has been made in implementation of the CWC on national level. The national Inter-Ministerial Body in charge with overseeing implementation of the State obligations under the CWC, coordinated by the Ministry of Foreign Affairs and the Ministry of Health, has been tasked with preparing draft-law regulating in greater details national implementation of the CWC, expected to be adopted in the coming year 2005. Also, the development of national operative plan on serving eventual OPCW inspections is in progress.

In May 2004 the Government began with the implementation of the national Strategy for Integrated Border Management, aimed at creating Border Police to take over the duty of securing and controlling state borders from the Army, as well as providing

technical, human and other resources for effective and sustained border management, in line with the EU standards.

With regard to operative paragraphs 8, 9 and 10 of the resolution, the Republic of Macedonia supports, in various forums and on various levels, the international efforts for universal adoption and strengthening of multilateral treaties and their implementation to prevent the proliferation of WMD. The Republic of Macedonia is making efforts toward adoption, where considered necessary for effective implementation of its obligations under the key multilateral non-proliferation treaties, of additional national rules and regulations; and is committed to contribute to the promotion of multilateral cooperation and dialogue on non-proliferation of WMD.

United Nations S/AC.44/2004/(02)/82

Security Council

Distr.: General
10 December 2004

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 23 November 2004 from the Permanent Mission of the Marshall Islands to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of the Marshall Islands to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004), and has the honour to transmit herewith the national report of the Government of the Republic of the Marshall Islands pursuant to the resolution (see annex).

05-20278 (E) 270105

Annex to the note verbale dated 23 November 2004 from the Permanent Mission of the Marshall Islands to the United Nations addressed to the Chairman of the Committee

Republic of the Marshall Islands

First report pursuant to Security Council resolution 1540 (2004)

Steps taken by the Republic of the Marshall Islands to implement the provisions of Security Council Resolution 1540 (2004).

1. **Operative Paragraph 1**:

"Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery."

Response: The Republic of the Marshall Islands (RMI) does not provide any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical, or biological weapons and their means of delivery. Section 12 of the Counter Terrorism Act, 2002 authorizes the Marshall Islands to obtain an injunction against the development, production, stockpiling, transferring, acquisition, retention, or possession of any biological agent, toxin, toxic chemical or delivery system of a type or in a quantity that under the circumstances has no apparent justification for prophylactic, protective, or other peaceful purposes, or purposes not prohibited by law or the United Nations Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. Section 24 of the Counter Terrorism Act requires all airlines, ships, and other entities providing transportation, conveyance or freight services to and from RMI to immediately report to the Attorney General cross-border movement of nuclear, chemical, biological and other potentially deadly materials. Section 25(1)(a) of the Counter Terrorism Act criminalizes the development, production, shipping, transportation, transfer, receiving, acquisition, retention, possession, importation, exportation, and manufacturing of weapons of mass destruction.

2. **Operative Paragraph 2**:

"Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them."

Response: Further to Section 25 (1)(a) of the Counter Terrorism Act, 2002 (referred to in response 1 above), Section 25(1)(b) of the Counter Terrorism Act further criminalizes acts where there is intention to engage in terrorism or where there is knowledge that the weapon of mass destruction is intended to be used for terrorist purposes.

3. **Operative Paragraph 3:**

"Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;"

Response: There is no production, use, storage or transport of nuclear, chemical, or biological weapons in RMI.

(b) Develop and maintain appropriate effective physical protection measures;"

Response: See response to 3(a) above.

(c) Develop and maintain appropriate effective border control and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;"

Response: Section 24 of the Counter Terrorism Act, 2002 obligates all airlines, ships, and other entities that provide transportation, conveyance or freight services to and from RMI to immediately report traffic in arms, explosives, sensitive material, and cross-border movement of nuclear, chemical, biological and other potentially deadly materials. Section 8 of the same Act authorizes seizure, confiscation and forfeiture of weapons of mass destruction, plastic explosives, and nuclear material.

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;"

Response: See response to 3(a) above.

6. **Operative Paragraph 6:**

"Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member State, when necessary, to pursue at the earliest opportunity the development of such lists."

Response: Because there is no production, use, storage or transport of nuclear, chemical, or biological weapons in RMI, it has no control lists for chemical, biological and nuclear and related materials.

7. **Operative Paragraph 7:**

"Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invite States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructures, implementation experience and/or resources for fulfilling the above provisions."

Response: RMI is a small island developing State, and is one of the smallest jurisdictions in the Pacific region. Like other small developing States, RMI requires assistance with the further implementation of resolution 1540, as well as the key multilateral non-proliferation treaties. Specifically, RMI requires assistance with completing a review of its current national legislation in order to determine what further steps must be taken to ensure the full implementation of the provisions of resolution 1540 and the relevant treaties. RMI is also in need of particular assistance with the implementation of trans-shipment controls.

8. **Operative Paragraph 8:**

"Calls upon all States:

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;"

Response: RMI is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), and during 2004 has also ratified the Chemical Weapons Convention (CWC). RMI advocates for the universal adoption of these treaties, and is currently working to ensure that its national legislation is sufficient to fully implement the provisions of the treaties. RMI will participate in the 2005 Review Conference of States Parties to the NPT.

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;"

Response: In 2002, RMI adopted the Counter Terrorism Act. This Act partially implements the provisions of the key multilateral non-proliferation treaties that RMI is a party to. As mentioned above, RMI is in need of technical assistance in order to complete a review of its current national legislation in order to determine

what further steps must be taken to ensure the full implementation of the provisions of resolution 1540 and the key multilateral non-proliferation treaties. RMI is in the process of executing a Safeguards Agreement with the International Atomic Energy Agency (IAEA), in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

(c) To renew and fulfill their commitments to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;"

Response: As mentioned above, RMI is in the process of executing a Safeguards Agreement with the IAEA, in accordance with the NPT. RMI participated in the IAEA Interregional Seminar in Vienna, Austria from November 26-28, 2003 on the Agency's Safeguard System. RMI will participate in a further seminar in Sydney, Australia from November 10-11, 2004 on the conclusion and implementation of the Safeguards Agreements and the additional protocols.

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;"

Response: RMI has not yet taken steps in this regard, mainly due to the fact that RMI does not produce nuclear, chemical, or biological weapons or materials. However, RMI is in the process of developing a system to issue public announcements to raise awareness of the provisions of the key multilateral non-proliferation treaties and the RMI Counter Terrorism Act, 2002. Such announcements will also inform the public of the obligations and prohibitions under the Act, and the penalties to be imposed for any violation of the Act.

9. **Operative Paragraph 9**:

"Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery."

Response: See responses to 8 (a) and (c) above.